IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 25TH MAY 2007 / 4TH JYAISHTA 1929

WP(C).No. 4299 of 2007(S)

PETITIONER:

P.RAHIM, ADVOCATE,
VANCHIYOOR, THIRUVANANTHAPURAM-35.

BY ADV. SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR

RESPONDENTS:
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1. THE STATE OF KERALA REPRESENTED BY THE
CHIEF SECRETARY TO GOVERNMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SECRETARY TO GOVERNMENT,
FOOD AND CIVIL SUPPLIES AND CONSUMER AFFAIRS,
SECRETARIAT, THIRUVANANTHAPURAM.

ADDL.3. THE SECRETARY, STATE CONSUMER DISPUTES
REDRESSAL FORUM, VAZHUTHAKAD, THIRUVANANTHAPURAM.

(ADDL.R3 IS IMPLEADED AS PER ORDER DATED 23.3.2007
IN I.A.NO.4565/07)

BY SR.GOVERNMENT PLEADER SMT.MEERA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.DATTU, C.J. & K.T.SANKARAN, J.

W.P.(C) No.4299 of 2007

Dated, this the 25th day of May, 2007

JUDGMENT

H.L.Dattu, C.J.

An advocate who calls himself a public spirited citizen is before us in this writ petition filed under Article 226 of the Constitution for direction to the respondents to take immediate steps for selection and appointment to the posts of Presidents and members of the District Consumer Protection Forums in the State in accordance with the provisions of the Consumer Protection Act, 1986 and the Consumer Protection Rules, 2005.

2. This Court after entertaining the writ petition had issued notice to the respondents.

3. The second respondent has entered appearance and has filed his counter affidavit before this Court. At paragraph 4 of the counter affidavit the second respondent has stated as under:

> "4. Pursuant to the panel already received, interview was conducted on 1st, 2nd and 5th of March, 2007 and the Government are awaiting for the panel for recommendation of appointment from the

> selection committee. It is submitted that State Government is giving top priority for filling up the post of various forums of Consumer Disputes Redressal Forums. The delay in filling up of the vacancy arose only due to administrative exigencies. The contention raised by the petitioner that the delay occurred on account of the extraneous reasons is incorrect and hence denied. It is submitted that the entire process of selection will be completed at the earliest.

4. In principle, the second respondent agrees that the posts of Presidents and members of the District Consumer Protection Forums in the State require to be filled up and he also states that the same will be done at the earliest.

5. In view of the statement made by the second respondent in his counter affidavit, in our opinion, the only direction that requires to be issued in this writ petition is to direct respondent No.2 to fill up the posts of Presidents and members of the District Consumer Protection Forums in the State as expeditiously as possible.

In view of the above, the following: The writ petition is allowed. The second respondent is directed to fill up the posts of Presidents and members of the District Consumer Protection

Forums in the State in accordance with the provisions of the Consumer Protection Act, 1986 and the Consumer Protection Rules, 2005 as expeditiously as possible and at any rate within four months from today. Ordered accordingly.

(**H.L.DATTU)**
Chief Justice

(K.T.SANKARAN)
Judge

vns